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8 and ELECTRONIC ARTS INC.

9
                    UNITED STATES DISTRICT COURT
10
                  NORTHERN DISTRICT OF CALIFORNIA
11
                        OAKLAND DIVISION
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13 | DIGITAL REG OF TEXAS, LLC, | Civil Case No. 12-CV-01971 CW (KAW) |
14 | Plaintiff, | **DECLARATION OF JUAN CARLOS COLOSSO IN SUPPORT OF** |
15 | vs. | **DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT** |
16 | ADOBE SYSTEMS INCORPORATED, et al., | **OF NONINFRINGEMENT BASED ON DIGITAL REG'S LICENSE TO** |
17 | Defendants. | **MICROSOFT** |

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DECLARATION OF JUAN CARLOS COLOSSO   CIVIL CASE NO. 12-01971 CW
IN SUPPORT OF DEFENDANTS' MOTION
FOR PARTIAL SUMMARY JUDGMENT

1   I, Juan Carlos Colosso, declare:

2   1.   I am an employee of Defendant Adobe Systems Incorporated ("Adobe")

3   in the above-captioned matter. I submit this declaration based on personal knowledge and

4   following a reasonable investigation. If called upon as a witness, I could competently testify to

5   the truth of each statement herein.

6   2.   I have worked for Adobe for ten years, and my current job title is

7   Marketing Automation Strategy Manager. As part of my responsibilities at Adobe, I worked

8   extensively on Adobe License Manager for volume licensing (ALM).

9   3.   ALM was a short-lived project that was only commercially released in

10   combination with Adobe Acrobat 8 for Windows. Thus, the version of Adobe Acrobat with

11   which ALM was provided required a computer with the Microsoft Windows operating system
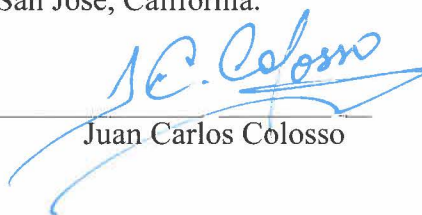
12   installed in order to function.

13   4.   All functionality of the version of Adobe Acrobat 8 released with ALM

14   was dependent on the Microsoft operating system; nothing could be accomplished—including

15   the initialization or function of ALM—without the use of the Microsoft operating system. And

16   because ALM was compiled to run only on the Microsoft Windows operation systems, it could

17   not have been executed on a machine running another operating system.

18   5.   Additionally, when the Adobe Acrobat Installer attempted to install

19   Adobe Acrobat 8, containing ALM, the installer first checked to ensure that an approved

20   version of Microsoft Windows that had been tested by Adobe was running on the machine. If

21   not, Adobe Acrobat would not be installed on the machine.

22   6.   If a copy of Adobe Acrobat 8 that had been sold with ALM was installed

23   on an end user's machine, the application would check for an e-license on the user's machine

24   when initiated. To do so, the program relied on Windows Application Programming Interfaces

25   (APIs) to search for and, if found, retrieve the e-license, which would have been stored as a file

26   within the architecture of the Windows operating system. Without the Windows APIs, or the

27   underlying Windows architecture and operation, it would not be possible to search for or

28   retrieve the e-license or access Adobe Acrobat.

DECLARATION OF JUAN CARLOS COLOSSO
IN SUPPORT OF DEFENDANTS' MOTION   1   **CIVIL CASE NO. 12-01971 CW**
FOR PARTIAL SUMMARY JUDGMENT

1   I declare under the penalty of perjury under the laws of the United States of

2   America that the foregoing is true and correct.

3   Executed on June 18, 2013, at San Jose, California.

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5   Juan Carlos Colosso

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**DECLARATION OF JUAN CARLOS COLOSSO
IN SUPPORT OF DEFENDANTS' MOTION
FOR PARTIAL SUMMARY JUDGMENT**

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CIVIL CASE NO. 12-01971 CW